

September 8, 2010

A Special meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by John Reardon, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: John Reardon, Chairman
Michael Bechtel, Theresa Kroening, Peter Smith
Michael Sieczkowski, alternate
Member absent: Donald Robinson
Also present: Clifford Burch, Building Inspector
Gary Billingsley, Attorney
Roger Schreader, Sr., member of Planning Board

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider the following application:

2010-10 (08-26-10) THOMAS G. CARTER, 4556 Plank Road, Lockport, N.Y. 14094, for a Special Permit for a farm pond upon said premises containing dimensions of 100 feet by 180 feet pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. Carter was present at this meeting and has submitted the following: Application for Special Permit, Short Environmental Assessment Form, Agricultural Data Statement, copy of letter from Niagara County Soil and Water Conservation District dated August 26, 2010 and copy of portion of town map showing pond location.

Mr. Carter said he owns approximately twelve acres. The pond will be used for irrigating nursery stock, trees and also for recreational purposes like fishing.

Public Hearing open: there were no comments from members of the public.
Public Hearing closed.

Concerns of board members and building inspector:

Mr. Reardon said pond will be 100 feet by 180 feet, about (1/2 acre pond).
He asked applicant about the raising of nursery stock and trees? Will they be sold to markets?

Building Inspector said if Mr. Carter wishes to sell the nursery stock from his property, he would need to get a Special Permit, but if he sells to markets or wholesalers, would not need a Special Permit.

Mr. Reardon said to Mr. Carter the board recommends a temporary fence around the pond area while under construction.

Mr. Carter said if someone were to go into the pond, could walk in and walk out.

Mr. Reardon said this fence would be for safety while pond is under construction, like for example, four wheelers or snowmobiles.

Mr. Carter agreed to construct the fence.

Building Inspector said there will be 3:1 side slopes.

Mr. Sieczkowski asked applicant what he plans to do with the excavated material?
Mr. Carter said soil will all remain on the premises.

Per Niagara County Soil and Water Conservation, pond “area will be approximately 400 feet north of Van Dusen Road, 100 feet from the north and 200 feet from the west property line identified as the proposed pond site. Pond to be excavated to a maximum depth of 8 to 10 feet utilizing 3:1 side slopes and all spoil material will be used on site as fill”.

Counsel recommended, pursuant to letter received from Niagara County Soil and Water Conservation District dated August 26, 2010, no material is to be removed from the site, maximum depth of 8 to 10 feet in depth utilizing 3:1 side slopes and conditions:

1. By agreement, applicant will install a security fence during construction of the pond.
2. Upon a finding of no environmental damage and a finding that the construction or alteration of said pond will not adversely affect drainage in the area.

A motion was made by Mrs. Kroening and seconded by Mr. Sieczkowski to declare **negative declaration under SEQR** on application for Special Permit by Mr. Carter. Unanimously approved, motion carried.

A motion was made by Mr. Smith and seconded by Mr. Bechtel to **approve** application for Special Permit for a farm pond upon said premises containing dimensions of 100 feet by 180 feet with conditions as aforementioned and pursuant to recommendations of Niagara County Soil and Water Conservation in their letter dated August 26th. Unanimously approved, motion carried.

REPORTS:

Chairman – received a phone call today from Steven Doleski, N.Y.S. D.E.C. pertaining to W.N.Y

Urology Assoc. regarding proposed Medical building on property on the south side of Saunders Settlement Road east side of Old Shawnee Road with the following issues:

1. Cannot concur at this time that Zoning Board would be the Lead Agent on this project. Need more information before making decision on Lead Agent.
2. Need more information on wetlands in the area of the proposed medical building.
3. Sewer line and treatment capacity – need more information.
4. Corps of Engineers has to be involved regarding Federally regulated wetlands in New York State.
5. Stormwater control issue – need more information
6. Unmapped wetlands to the west. If there are wetlands on the proposed site of Medical building, will need to obtain a Water Quality Certification. Assessment in flood plain, but could be considered a wetland – Corps of Engineers to address this issue.
7. Archeology Assessment Report submit to N.Y.S. Office of Parks, Recreation and Historic Preservation on open area, sensitive area. Need determination
8. Sewer capacity – sewage flow of 2,500 gallons per day or more
9. Downstream Sewer Capacity Analysis of the land before anything can be done.

10. Recycling – more information needed
11. Biologists have to look at the paper work

Building Inspector – wetlands staked out, is a very small part of the subject land. The town has done a test on the sewer line. He said some of the aforementioned issues are already being worked on.

Mr. Doleski told Mr. Reardon they could not concur on Lead Agency status at this time. Mr. Doleski said to Mr. Reardon a letter would be forthcoming stating the issues of concern on this proposed project.

Letter received dated September 1st from Robert Klavoon stating that W.N.Y. Urology now wishes to go from 37,000 square feet to 47,000 square feet in this building. They are proposing a full second floor in the facility and more parking spaces.

Chairman reported a Planning and Zoning Seminar at Medina Clifford Wise Middle School on September 29th 5 P.M. to 9:30 P.M.

Reported that all board members have completed their four-hour training requirement for this year.

A motion was made by Mr. Bechtel and seconded by Mr. Smith to adjourn at 8:20 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____

